



Amended Order
Order under Section 69 Residential Tenancies Act, 2006
and Section 21.1 of the Statutory Powers Procedure Act

Citation: Avaneu Fund 2 Single Family Rental LP v Kyle Montague, 2023 ONLTB 44031

Date: 2023-06-28 **File Number:**
LTB-L-075166-22-AM

In the matter of: 136 FLORAL AVE
TIMMINS ON P4N4H7

Between: **Avaneu Fund 2 Single Family Rental LP** Landlord

And

Kyle Montague Tenant

This amended order is issued to correct a clerical error in the original order issued on June 14, 2023.

Avaneu Fund 2 Single Family Rental LP (the 'Landlord') applied for an order to terminate the tenancy and evict Kyle Montague (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 6, 2023.

Only the Landlord's legal representative I. Fabian attended the hearing.

As of 9:30 am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Note: The Landlord's legal representative's uncontested request to amend the Landlord's name was granted at the hearing.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. The Tenant was in possession of the rental unit on the date the application was filed.

3. The Tenant vacated the rental unit on March 31, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.

File Number: LTB-L-075166-22-AM

4. The lawful rent was \$1,750.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to March 31, 2023 are \$10,500.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,750.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
9. Interest on the rent deposit, in the amount of \$42.07 is owing to the Tenant for the period from April 15, 2022 to March 31, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of March 31, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$8,893.93. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before June 25, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 26, 2023 at 6.00% annually on the balance outstanding.

June 14, 2023

Date Issued

June 28, 2023

Date Amended

Renée Lang

Vice Chair, Landlord and Tenant Board

15 Grosvenor St, Ground Floor Toronto
ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

File Number: LTB-L-075166-22-AM

Schedule 1 SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$10,500.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,750.00
Less the amount of the interest on the last month's rent deposit	- \$42.07
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$8,893.93

2023 ONLTB 44031 (CanLII)